

December 15, 1928.
[H. R. 11963.]
[Public, No. 635.]

CHAP. 28.—An Act To provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho.

Nez Perce Indian
Reservation, Idaho.
Easement to lands
in, issued to Idaho for
fish and game propaga-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to issue perpetual easement to the department of fish and game, State of Idaho, to the following-described lands, all situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho:

Description.

Commencing at a point on the east and west center line of section 14, township 35 north, range 4 west, Boise meridian, eight hundred and eighty-five feet west of the east quarter corner of said section 14, which point of beginning is also on the easterly right-of-way line of the Camas Prairie Railroad; thence north three degrees ten minutes west, along said right-of-way line a distance of one thousand six hundred and forty-six feet; thence east a distance of one thousand one hundred and fifty-eight and five-tenths feet to a point on the westerly right of way line of the county road; thence south three degrees twenty-seven minutes west along said county road right-of-way line a distance of one thousand six hundred and forty-eight feet to a point on the east and west center line of section 13, township 35 north, range 4 west, Boise meridian, which point is eighty-three and six-tenths feet east of the west quarter corner of said section 13; thence north eighty-nine degrees fifty-eight minutes west, along the east and west center lines of said sections 13 and 14, a distance of nine hundred and sixty-eight and six-tenths feet to the point of beginning. Lying partly in the northwest quarter section 13 and partly in the northeast quarter section 14. All in township 35 north, range 4 west, Boise meridian, containing forty and twenty-two one-hundredths acres, more or less.

Use defined.
Provido.
Reversion for non-
user.

Said lands to be used by the department of fish and game, State of Idaho, for the propagation of fish and game: *Provided*, That should the land herein granted cease to be used by the department of fish and game, State of Idaho, for the propagation of fish and game, the easement shall cease, the grantees be permitted to remove structures and equipment that they may have added, and the land described revert to the grantors herein.

Approved, December 15, 1928.

December 15, 1928.
[H. R. 13824.]
[Public, No. 636.]

CHAP. 29.—An Act Authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Columbia River at or near Arlington, Oregon.

Columbia River.
L. L. Montague may
bridge, at Arlington,
Oreg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, L. L. Montague, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation at or near Arlington, Oregon, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Right to acquire real
estate, etc., for location,
approaches, etc.

SEC. 2. There is hereby conferred upon L. L. Montague, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as

are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said L. L. Montague, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Oregon, the State of Washington, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of fifteen years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 4 of this Act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed fifteen years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. L. L. Montague, his heirs, legal representatives, and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Oregon and Washington a sworn, itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real

Condemnation proceedings.

Tolls authorized.

Vol. 34, p. 85.

Acquisition authorized, after completion, by Oregon, Washington, etc.

Compensation if acquired by condemnation.

Limitations.

Tolls under State, etc., operation.

Rates applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of operation costs, etc., to be filed after completion.

Examination by Secretary of War.

Findings of Secretary conclusive.

Right to sell, etc., conferred.

Amendment.

property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of such costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said L. L. Montague, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to L. L. Montague, his heirs, legal representatives, and assigns, and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, December 15, 1928.

December 15, 1928.

[H. R. 12533.]

[Public, No. 637.]

CHAP. 30.—An Act To authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes.

Lighthouses.
Portion of Dutch
Gap reservation, Va.,
transferred to Colonial
Dames of America.
Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to transfer to the Colonial Dames of America in Virginia the following-described portion of the Dutch Gap Lighthouse Reservation, Virginia: Beginning at a stone marked "A" on blueprint numbered 5624, on file in the office of the Superintendent of Lighthouses, Baltimore, Maryland, which is designated as the point of beginning in deed dated November 12, 1889, from the city of Richmond to the United States and recorded among the land records of Henrico County, Virginia, in deed book numbered 128-A, page 301, and so forth, running thence south forty degrees west one hundred and twenty-two and ninety-eight one-hundredths feet to B, thence south fifty degrees east two hundred and twenty-eight feet to C, thence north forty degrees east one hundred and sixty feet to D, thence north fifty degrees west sixty feet to E, thence north forty degrees east one hundred and sixty-two and ninety-eight one-hundredths feet to F, thence north fifty degrees west one hundred and eighteen feet to G, thence south eighty degrees west seventy-eight feet to H, thence south forty degrees west one hundred and forty feet to A, the point of beginning, containing one and forty-three one-hundredths acres, which includes all of the land conveyed from the city of Richmond to the United States by aforementioned deed, and all of first parcel described in deed of May 30, 1873, from city of Richmond, Virginia, to the United States recorded in deed book numbered 92, page 72, and so forth, except plots D, E, F, J, which is retained by the Lighthouse Service. The property shall be used and maintained by the Colonial Dames of America in Virginia for historical purposes only. If at any time for a period of one year

Use restricted.

Reversion for non-user.